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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,364	06/07/2001	Alvin Costa	14077/257986	9165
23370	7590	12/30/2005	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			CHORBAJI, MONZER R	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,364

Applicant(s)

COSTA ET AL.

Examiner

MONZER R. CHORBAJI

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 13 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This final action is in response to the amendment received on 11/18/2005

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Messinger et al (U.S.P.N. 4,617,117).

With respect to claim 12, the Messinger reference discloses a vessel (the chlorinator in figure 2) including the following: a base (unlabeled bottom wall of housing 1 in figure 2), a generally cylindrical wall extending upward from the base (figure 2, unlabeled walls of housing 1) and having an interior surface and a threaded exterior surface (figure 2, threads on exterior of housing 1), a jack ring (figure 2, 16) defining an interior surface having threads (figure 2, unlabeled threads on interior surface of jack ring 16) for engaging the threads present on the exterior surface of housing 1, a ledge (figure 2, 17), a cap (col.5, lines 5-6, top cover) integrally formed with the jack ring (figure 2, 16), a cover (figure 2, 4) that includes a peripheral flanged portion (figure 2, 20), central portion (unlabeled central part of 4 in figure 2), a wall extending from the central portion (unlabeled extending downward wall of 4 in figure 2), the peripheral flanged portion (figure 2, 20) is sandwiched between the cap (figure 2, top cover) and jack ring (figure 2, 16) in contact with the ledge (figure 2, 17) so that loading (the ledge

17 presses onto 20 with a force and 20 presses back with an opposite and equivalent force against 17 and this counterforce is equivalent to "forcing the cover away from the wall") of the cover (figure 2, 4) occurs principally by contact between the peripheral flanged portion (figure 2, 20) and the cap (figure 2, 17), unloading (the ledge 17 presses onto 20 with a force and 20 presses back with an opposite and equivalent force against 17 and this counterforce results in contact forcing the peripheral flanged portion away from the ledge) of the cover occurs principally by forcing the peripheral flanged portion (figure 2, 20) away from the ledge (figure 2, 17), the wall friction-fitted into contact with the generally-cylindrical wall (unlabeled extending downward wall of 4 in figure 2) when the threads of the jack ring (figure 2, 18) engages the threads of the generally-cylindrical wall (figure 2, 1), the wall defining a groove with an o-ring positioned within it (figure 2, 6) and water-purification material contained within the generally-cylindrical wall (col.4, lines 65-68).

Allowable Subject Matter

3. Claims 1-11 and 13 are allowed.

Response to Arguments

4. Applicant's arguments filed 11/18/2005 have been fully considered but they are not persuasive.

On page 7 of the Remarks section, applicant argues that, "First, despite the examiner's allegations, it is physically impossible for the threads (18) of the Messinger et al. jack ring to lift removable cover (4) at the periphery thereof, because retaining screw and central boss (25) will have lifted the cover (4) from the device long before the

threads (18) approach cover (4).” The examiner disagrees. The Messinger reference teaches in column 5, lines 25-42 that the rotation of the jack ring results in lifting the cover at the periphery. Thus, the jack ring (18) of the Messinger reference is capable of lifting the cover at the periphery.

On page 8 of the Remarks section, applicant argues that, “The claims make clear that the cap assembly contains a ledge which forces the cover off of the device when the cap assembly is counter-rotated or unscrewed. Messinger et al does not disclose or suggest such a ledge.” The examiner disagrees. The Messinger reference discloses a ledge 17, which is part of the cap assembly 16 and 18 that is capable of forcing the cover 4 off of the device when the cap assembly is unscrewed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 6:30-3:00.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD D. CRISPINO can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monzer R. Chorbaji 
Patent Examiner
AU 1744
12/27/2005


RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700